

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

v.

KALEIL ISAZA TUZMAN,

Defendant.

S8 15 Cr. 536 (PGG)

SUPPLEMENTAL DECLARATION OF AVI WEITZMAN

Pursuant to Title 28, United States Code, Section 1746, I, Avi Weitzman, declare under penalty of perjury that the following is true and correct:

1. I am a partner with the law firm of Gibson, Dunn & Crutcher LLP, counsel for Defendant Kaleil Isaza Tuzman. I am a member in good standing of the Bar of this Court. I make this declaration in support of Mr. Isaza Tuzman's Supplemental Rule 33 Motion for a New Trial Based on Newly-Discovered Evidence. I have personal knowledge of the matters set forth herein.

2. Attached hereto as **Exhibit 1** is a true and correct copy of a Federal Bureau of Investigation Form 302 memorializing a September 11, 2015 telephone interview of Kevin Cronin. This document was produced to counsel for Irfan Amanat prior to Mr. Amanat's trial, but not to counsel for Mr. Isaza Tuzman prior to his trial.

3. Attached hereto as **Exhibit 2** is a true and correct copy of federal investigators' notes memorializing a September 14, 2015 telephone interview of Kevin Cronin. This document was produced to counsel for Irfan Amanat prior to Mr. Amanat's trial, but not to counsel for Mr. Isaza Tuzman prior to his trial.

4. Attached hereto as **Exhibit 3** is a true and correct copy of an email from AUSA Damian Williams to myself and others dated January 30, 2019.

5. Attached hereto as **Exhibit 4** is a true and correct excerpt from a multi-tabbed spreadsheet containing over 19,700 rows of data entitled "USAO_TUZMAN_0347248.xlsx." The spreadsheet was produced by the government on January 29, 2019, as a document referenced in the September 14, 2015 interview of Kevin Cronin. Exhibit 4 comprises the first 19 pages (500 rows) of the spreadsheet tab entitled: "by-vendor."

6. Attached hereto as **Exhibit 4A** is a true and correct excerpt from a multi-tabbed spreadsheet containing over 19,700 rows of data entitled "USAO_TUZMAN_0347248.xlsx." The spreadsheet was produced by the government on January 29, 2019, as a document referenced in the September 14, 2015 interview of Kevin Cronin. Exhibit 4A comprises rows 13361 and 13362 of the spreadsheet tab entitled: "by-vendor."

7. Attached hereto as **Exhibit 5** is a true and correct copy of a letter from AUSAs Damian Williams, Andrea Griswold, and Joshua Naftalis to myself and others dated October 4, 2017.

8. Attached hereto as **Exhibit 6** is a true and correct copy of a Memorandum of Interview memorializing a May 21, 2014 interview of Louis Schwartz. This document was produced to counsel for Irfan Amanat prior to Mr. Amanat's trial, but not to counsel for Mr. Isaza Tuzman prior to his trial.

9. Attached hereto as **Exhibit 7** is a true and correct copy of an email from Kristine Zaleskas to Sharon Binger and Kenneth Gottlieb dated December 20, 2013. This document was the only document produced to Mr. Isaza Tuzman in advance of trial as 3500 material for Buno Pati.

10. Attached hereto as **Exhibit 8** is a true and correct copy of a Federal Bureau of Investigation Form 302 dated January 7, 2014, memorializing an interview of Yagyensh “Buno” Pati. This document was produced to counsel for Irfan Amanat prior to Mr. Amanat’s trial, but not to counsel for Mr. Isaza Tuzman prior to his trial.

11. Attached hereto as **Exhibit 9** is a true and correct copy of federal investigators’ notes memorializing a November 20, 2015 meeting among federal agents, Robin Smyth, and Smyth’s counsel. This document was produced to Mr. Isaza Tuzman in advance of trial as 3500 material for Robin Smyth.

12. Attached hereto as **Exhibit 10** is a true and correct copy of federal investigators’ notes memorializing an October 31, 2014 telephone interview of Paul DiPietro. This document was produced to counsel for Irfan Amanat prior to Mr. Amanat’s trial, but not to counsel for Mr. Isaza Tuzman prior to his trial.

13. Attached hereto as **Exhibit 11** is a true and correct copy of a Memorandum of Interview memorializing a December 2–3, 2014 interview of Stephen Maiden. This document was produced to Mr. Isaza Tuzman in advance of trial as 3500 material for Stephen Maiden.

14. Attached hereto as **Exhibit 12** is a true and correct copy of the Government’s notes memorializing meetings of October 9 and 11, 2018, between the Government and Stephen Maiden. This document was produced to counsel for Irfan Amanat prior to Mr. Amanat’s trial.

15. Attached hereto as **Exhibit 13** is a true and correct copy of the Government’s notes memorializing a meeting of May 6, 2015, between the Government and Sean McMann. This document was produced to counsel for Irfan Amanat prior to Mr. Amanat’s trial, but not to counsel for Mr. Isaza Tuzman prior to his trial.

I hereby declare, under penalty of perjury, that the foregoing is true and correct.

Dated: New York, New York
July 19, 2019



Avi Weitzman